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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,009	07/21/2003	Alphonso Thomas Semmes JR.	GL041/00GL5	5719
32885 7590 09/20/2007 STITES & HARBISON PLLC 424 CHURCH STREET SUITE 1800 NASHVILLE, TN 37219-2376			EXAMINER FAULK, DEVONA E	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/624,009	Applicant(s) SEMMES ET AL.	
	Examiner Devona E. Faulk	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 5/29/2007, with respect to claims 34 and the newly recited claim language, have been fully considered and are persuasive. The rejections of claim 34 have been withdrawn.
2. Applicant's arguments, filed 5/29/2007 have been fully considered but they are not persuasive. Regarding claims 1-33, the applicant asserts that prior art Dudkowski does not have mixing capability but the examiner disagrees. The previous rejection clearly cites on page 3 that the mixer can mix pre-recorded video and audio (column 5, lines 56-64).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1,3,4,6,8,9-15,17,19,24,29- 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkowski (US 7,006,154) in view of Silfvast (US 6,782,382) in further view of Richards (US 5,181,114).
5. Claims 1,29,33 and 34 share common features.

Regarding claim 1, Dudkowski discloses an audio mixing console (Figures 1-3, all components of Figure 2 are included in the portable housing of Figure 3, column 8, lines 38-41), comprising:

- at least one input connector for receiving a video signal for broadcast (column 9, lines 24-25 and lines 36-41);

- at least one input connector for receiving an audio signal (column 9, lines 36-41);

- at least one display monitor integral to the audio console for displaying a video signal for broadcast and for displaying a video signal that corresponds to a preview video or an alternative camera video (Figure 3, 330 display monitor; column 7, lines 8-17; column 6, lines 48-61; column 6, lines 1-7); and

- a signal-processing unit for generating an audio output signal (audio system 160, Figure 1).

Dudkowski fails to disclose a control panel that includes a plurality of user operable audio channel controls, wherein each of said user operable audio channel controls is operable to select a predetermined audio processing function for a respective audio channel.

Silfvast discloses a control panel that includes a plurality of user operable audio channel controls, wherein each of said user operable audio channel controls is operable to select a predetermined audio processing function for a respective audio channel (Figures 3 and 4). It would have been obvious to modify Dudkowski to have the plurality of user operable audio channel controls, as

taught by Silfvast, for the purpose of enabling sophisticated sound processing of the audio inputs.

Dudkowski as modified by Silfvast discloses a display monitor that displays a video signal for broadcast and preview video (Figures 2 and 3).

Dudkowski as modified by Silfvast fails disclose an additional monitor so that the video signal for broadcast is displayed on one monitor and the preview video on another monitor.

Richards discloses the concept of a separate monitor for the preview video and a separate monitor for the video signal for broadcast (Figure 2; column 3, lines 45-48 and 56-58).

It would have been obvious to modify Dudkowski as modified by Silfvast so that the preview video and the video signal for broadcast are displayed on separate monitors so that operator or user can better distinguish between different video signals.

Claims 29,33 and 34 share common features with claim 1 and are rejected using Dudkowski, Silfvast and Richards as applied to claim 1 above.

All elements of **claims 3,4,6,8,11-14** are comprehended by the rejection of claim 1.

Regarding **claims 9 and 10**, Dudkowski as modified discloses wherein said video signal is generated from a video recording with accompanying audio (claim

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9) and wherein said video signal is generated from a videotape without accompanying audio (claim 10)(Dudkowski, column 5, lines 56-65)

Regarding **claim 19**,Dudkowski as modified discloses wherein the console comprises a tally in association with the display monitor to indicate the status of a video signal with respect to the program out (Dudkowski discloses a PL and Tally system 170, Figure 2; column 8, lines 9-13).

All elements of **claim 30** are comprehended by the rejection of claim 29.

Regarding **claim 24 and 31**, Dudkowski as modified discloses wherein the control panel function comprises a control function switch to allow a predetermined audio signal to be selected based on a corresponding video signal (claim 24) and wherein the console further comprises a control switch system that provides input to the audio processing device to select a predetermined audio signal based on the video signal (claim 31) (Dudkowski's mixer 120 is capable of switching between audio signals; column 5, lines 56-column 6, line 6).

Regarding **claims 15,17 and 32**, Dudkowski as modified discloses a separate monitor for the video signal for broadcast and the preview video. Dudkowski as modified fails to disclose comprising at least 6 display monitors integral to the audio console (claim 15), comprising at least 10 monitors integral to the audio console (claim 17) and comprising at least six monitors housed in the mainframe to display a video signal that corresponds to an outgoing audio signal (claim 32). The choice of the number of displays monitors in one of design choice and one of ordinary skill in the art would have realized the claimed number without undue

experimentation. It would have been obvious to include more than one monitor, according to a design specification, for monitor multiple video sources in order to monitor specifically those video sources.

6. **Claims 2,5,7,16,18,25-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkowski (US 7,006,154) in view of Silfvast (US 6,782,382) in view of Richards (US 5,181,114) in further view of Brunelle (US 5,608,807).

Regarding **claims 2,5,7,16 and 18**, Dudkowski as modified fails to disclose a meter bridge that includes an indicator corresponding to a channel control function (claim 2); wherein at least one display monitor is integral to a meter bridge (claim 5); further comprising a meter bridge that includes an indicator corresponding to a channel control function and wherein each display monitor is integral to the meter bridge (claim 7) ; a meter bridge that includes an indicator corresponding to a channel control function wherein each of said at least 6 display monitors are integral to the mixing bridge (claim 16); and wherein each of said at least 6 display monitors are integral to the mixing bridge (claim 18).

Brunelle discloses an audio mixer comprising a meter bridge (8) that corresponds to a channel control function. The choice of the number of displays monitors in one of design choice and one of ordinary skill in the art would have realized the claimed number without undue experimentation. It would have been obvious to include more than one monitor, according to a design specification, for monitor multiple video sources in order to monitor specifically those video sources and to

include a meter bridge, as taught by Brunelle, in order to expand the utility of the mixer.

Regarding claim 25, Dudkowski discloses an audio mixing console for mixing sounds associated with video sources (Figures 1-3, all components of Figure 2 are included in the portable housing of Figure 3, column 8, lines 38-41), comprising:

- a console layout (Figure 3);

- a display monitor integral to the audio console for displaying a broadcast video and for displaying a preview video or an alternative camera video (Figure 3, 330 display monitor; column 7, lines 8-17; column 6, lines 48-61; column 6, lines 1-7).

Dudkowski fails to disclose a series of controls representing channel modules. Silfvast discloses a series of controls representing channel modules (Figures 3 and 4). It would have been obvious to modify Dudkowski to have a series of controls representing channel modules, as taught by Silfvast, for the purpose of enabling sophisticated sound processing of the audio inputs.

Dudkowski as modified by Silfvast discloses a display monitor that displays a video signal for broadcast and preview video (Figures 2 and 3).

Dudkowski as modified by Silfvast fails disclose an additional monitor so that the video signal for broadcast is displayed on one monitor and the preview video on another monitor.

Richards discloses the concept of a separate monitor for the preview video and a separate monitor for the video signal for broadcast (Figure 2; column 3, lines 45-48 and 56-58).

It would have been obvious to modify Dudkowski as modified by Silfvast so that the preview video and the video signal for broadcast are displayed on separate monitors so that operator or user can more easily see and differentiate between the two.

Dudkowski as modified fails to disclose a meter bridge that includes an indicator corresponding to a channel control function. Brunelle discloses an audio mixer comprising a meter bridge (8, Figure 1; column 4, lines 53-56) that corresponds to a channel control function. It would have been obvious to modify Dudkowski as modified to include a meter bridge, as taught by Brunelle, in order to expand the utility of the mixer.

All elements of **claims 26-27** are comprehended by the rejection of claim 25.

Regarding **claims 28**, Dudkowski as modified disclose comprising at least 6 display monitors integral to the meter bridge for displaying a video signal for broadcast (Brunelle discloses an audio mixer comprising a meter bridge (8, Figure 1; column 4, lines 53-56)) that corresponds to a channel control function. The choice of the number of displays monitors in one of design choice and one of ordinary skill in the art would have realized the claimed number without undue experimentation. It would have been obvious to include more than one monitor,

according to a design specification, for monitor multiple video sources in order to monitor specifically those video sources and to include a meter bridge, as taught by Brunelle, in order to expand the utility of the mixer.

7. **Claims 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkowski (US 7,006,154) in view of Silfvast (US 6,782,382) in view of Richards (US 5,181,114) in further view of Davis (US 5,454,041).

Regarding **claim 20**, Dudkowski as modified discloses a tally system that sends visual "on-air" indicators which indicate which camera video signal is being broadcast as an output signal (column 8, lines 9-13). Dudkowski as modified fails to disclose explicitly wherein said tally is an LED indicator (claim 20). Davis discloses a mixing console having a plurality of tallies (144,146) which have a LED indicator for indicating the live output. It would have been obvious to modify Dudkowski as modified to include tallies, as taught by Davis, for the purpose of indicating the live output which reduces the chance of outputting an incorrect video signal.

Regarding **claims 21-23**, Dudkowski as modified disclose a tally system that sends visual "on-air" indicators which indicate which camera video signal is being broadcast as an output signal (column 8, lines 9-13). There is obviously more than one visual indicator. Dudkowski as modified fails to disclose comprising 3 tallies per display monitor, indicating the status of a video signal with respect to the program out (claim 21); comprising 3 tallies per display monitor, indicating the status of a video signal with respect to the program out, and the association of an audio channel to the program out (claim 22); and wherein a first tally is a green LED indicator identifying a

program preview display, a second tally is a yellow LED indicator identifying a program out display, a third tally is a red LED indicator identifying an audio channel associated with a program out (claim 23). The choice of the number of LEDs and how a particular color corresponds to a certain video display is one of design choice and one of ordinary skill in the art would have realized the claimed number and colors without undue experimentation. It would have been obvious to modify Dudkowski to use any number of tallies and any number of distinguishable colors to indicate the statuses of video signal for the purpose of better control over the broadcast.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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